

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS**

UNITED STATES OF AMERICA

v.

Case No. 4:13-cr-00001 KGB

JAMELLE ALEXANDER ARNOLD

AMENDMENT TO JUDGMENT AND COMMITMENT

The Court, pursuant to Rule 35(a) of the Federal Rules of Criminal Procedure, hereby amends the Judgment and Commitment in this matter. The Court imposed a sentence of imprisonment of 96 months, directing that, under United States Sentencing Guideline § 5G1.3(b), the Bureau of Prisons credit defendant Jamelle Alexander Arnold for time served in relation to his August 18, 2012, arrest and directing that this sentence imposed by the Court run concurrent to any sentence Mr. Arnold receives in case 63-CR-12-458 in Saline County, Arkansas, which is referred to in paragraph 71 of the Presentence Information Report.

The Court notes that Mr. Arnold has been incarcerated in the custody of the State of Arkansas from August 18, 2012, to March 13, 2013, a term of approximately seven months. It was, and is, the Court's intent that Mr. Arnold receive credit for this time served toward his federal sentence, as his counsel requested at the sentencing and noting the Government's objection to same. The Court concludes after careful study and review, however, that the provision of the United States Sentencing Guideline cited by counsel for Mr. Arnold and relied upon by the Court at sentencing currently does not apply to the facts of Mr. Arnold's case. Therefore, to ensure the sentence announced by the Court is imposed, the Court amends the Judgment and Commitment and modifies Mr. Arnold's sentence to a term of 89 months imprisonment in the Bureau of Prisons to run concurrent with any sentence Mr. Arnold receives in case 63-CR-12-458 in Saline County, Arkansas, which is referred to in paragraph 71 of the

Presentence Information Report. This modification is intended to ensure Mr. Arnold receives the sentence the Court pronounced in open Court. This modified sentence reflects the credit the Court directed Mr. Arnold to receive for his imprisonment by the State of Arkansas since his arrest. All other aspects of the sentence imposed by this Court remain in effect. The Court notes that 89 months of imprisonment is within the United States Sentencing Guideline range of sentence for an offender with the offense level and criminal history category attributed to Mr. Arnold at sentence. Should it be necessary, however, this Court determines that it would exercise its discretion to grant a variance under 18 U.S.C. § 3553(a) based on the facts and circumstances of this case to impose a sentence of 89 months.

SO ORDERED this 27th day of January, 2014.

A handwritten signature in black ink, reading "Kristine G. Baker", written over a horizontal line.

HONORABLE KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE